

MICHIGAN CIVIL RIGHTS COMMISSION MEETING

Monday, April 24, 2023 at 10:00 A.M.

The Pinnacle Center, Terrace Ballroom

3330 Highland Drive, Hudsonville, Michigan 49426

In compliance with the State of Michigan's Open Meetings Act, "the minutes must show the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose(s) for which a closed session is held; the minutes must also include all roll call votes taken at the meeting." The minutes are limited to these requirements and do not reflect all subject matter that occurred during the Commission meeting. Meetings are audio recorded and kept on file with the MDCR.

PROPOSED DRAFT MINUTES

PRESENT: Commission Chair Portia Roberson
Commission Vice Chair Zenna Elhasan
Commission Secretary Gloria Lara
Commissioner Richard Corriveau
Commissioner David Worthams
Commissioner Luke Londo
Commissioner Rosann Barker - NEW

EXCUSED: Commissioner Regina Gasco-Bentley - REAPPOINTED

CALL TO ORDER / ROLL CALL

The meeting of the Michigan Civil Rights Commission was called to order by Chair Roberson at 10:01 A.M.

Roll Call of the Commissioners was taken by Clerk Lamont Satchel to determine a quorum. Chair Roberson, Commissioner Lara, Commissioner Worthams, Commissioner Elhasan, Commissioner Corriveau, Commissioner Londo. With six Commissioners present, quorum requirements were met.

SWEARING IN OF NEW COMMISSIONER – Rosann Barker

Chair Roberson administered the Oath of Office for new Commissioner Rosann Barker. Commissioner Barker was appointed by Governor Whitmer on April 13, 2023.

APPROVAL OF MEETING AGENDA

Chair Roberson brought the following Motion:

MOTION: Move to Approve the Meeting Agenda as submitted. There was one Amendment by Commissioner Lara: to include a discussion on virtual public comment; discussion to take place under New Business. **On Motion duly made (Worthams) and supported (Elhasan), the Meeting Agenda was Approved as Amended.** *Motion carried unanimously.*

OPENING MATTERS

WELCOME

Chair Roberson provided welcoming remarks, thanking the community of Hudsonville for welcoming the Commission.

Lamont Satchel, General Counsel and Commission Advisor was called upon to provide a brief overview on the role of the Commission and its authority.

RECOGNITION OF SIGNIFICANT OBSERVANCES DATES IN APRIL

Chair Roberson recognized significant observances for the month of April, including the assassination of Rev. Dr. Martin Luther King, Jr. (April 4, 1968); signing of the Civil Rights Act of 1968 (Fair Housing Act) (April 11, 1968); National Fair Housing Month, Arab-American and Chaldean-American Heritage Month, Deaf History Month, World Autism Awareness Month.

PUBLIC COMMENT PROTOCOL

Deputy Executive Director Kim Woolridge provided instructions to guests in the audience who wish to address the Commission during the Public Comment segment of the meeting.

ADOPTION OF CONSENT AGENDA

Chair Roberson brought the following Motion:

MOTION: Move to Adopt the Consent Agenda as submitted. There was no discussion or amendment. **On Motion duly made (Londo) and supported (Lara), the Consent Agenda was Adopted.** *Motion carried unanimously.*

APPROVAL OF MINUTES FROM JANUARY 23, 2023 MEETING

Chair Roberson brought the following Motion:

MOTION: Move to Approve the Meeting Minutes as submitted. There were no revisions or discussion. **On Motion duly made (Elhasan) and supported (Worthams), the Minutes from the January 23, 2023 Commission Meeting were Approved.** *Motion carried unanimously.*

PUBLIC COMMENT

There was one Public Comment.

Sonia Simpson-Gardner of Southfield, Michigan brought concerns regarding the negative impact on her mortgage business by actions of the Office/Department of Insurance and Financial Services, which she alleges discriminatory treatment due to her race, gender, and disability. She indicated that she has sought assistance from several

entities, but has not received assistance nor relief, and requested that the Commission investigate her claim.

DIVISION AND OTHER REPORTS

A. Executive Director Report, John Johnson, Jr.

Director Johnson submitted a full written report to the Commission on the activity of the Executive Director and the major divisions of the Department from January to April 2023, as well as personnel updates, and a budget update. No action was taken.

B. MCRC/General Counsel Report, Attorney Lamont Satchel

Mr. Satchel serves as Advisor to the Commission and General Counsel for the Department. Mr. Satchel submitted a full written report to the Commission on the activity of General Counsel from January to April 2023, including an update on the Michigan Civil Rights Commission Rules Amendment, and follow up and next steps regarding Dynamic Character Legislation. No action was taken.

C. Community Engagement and Education Division Presentation, Anthony Lewis, Director

Anthony Lewis serves as the Director of the Community Engagement and Education Division for the Department. Mr. Lewis provided an overview of the Division, an update on the activity of the Division and an update on the ALPACT coalitions throughout the state. No action was taken.

D. Attorney General Report, AAG Tonya Jeter

Assistant Attorney General Tonya Jeter submitted a full written report to the Commission and provided a brief status update on the following cases: Christian Healthcare Centers v. Attorney General, et al; St. Joseph's Parish v. Attorney General, et al; Sacred Heart Parish v. Attorney General, et al. No action was taken.

COMMISSION BUSINESS

A. Chair's Report, Portia Roberson

Chair Roberson's report consisted of acknowledgement of Assistant Attorney Tonya Jeter receiving the Distinguished Brief Award from the 37th Annual Western Michigan University Thomas M. Cooley Law Review for her work on drafting the Michigan Supreme Court brief to the on the Rouch World, LLC v. Michigan Department of Civil Rights case; welcoming new Commissioner Rosann Barker to the Commission, acknowledgement of Department Staff and former Commissioners on their contributions to the expansion of the ELCRA, an overview of important dates for upcoming Commission meetings and events, and indicating that she and Director Johnson met with Mel Larsen, who will join the Commission for this year's Educational Retreat. No action was taken.

B. Committees Updates for Commission's 2023 Priorities

Voting Rights Committee - Commissioner Worthams (Chair)

Commissioner Worthams reported on plans for a two-year work project/program that will assess the state of voting rights in Michigan, determine successes and challenges, and provide educational opportunities to the public, as well as policy recommendations to the legislature.

Diversity, Equity and Inclusion Committee - Commissioner Lara (Chair)

Commissioner Lara reported that there will be a focus on health equity at the 2023 Civil Rights Summit, which will convene in Novi in June.

Safe Learning Environments and Education Equity Committee - Commissioner Elhasan (Chair)

There was no update reported.

Environmental Justice Committee

This Committee was previously tabled until Commission vacancies were filled; Chair Roberson indicated that she would reach out to Commissioner Gasco-Bentley and Commissioner Barker to inquire if they are willing to serve on this committee.

C. Subcommittee for Commission's 60th Anniversary

Chair Roberson indicated that the committee has begun brainstorming ideas to celebrate the Commission's 60th Anniversary, which could include a dinner later in the year and inviting former commissioners. More updates will follow at the next meeting.

D. Migrant Seasonal Farm Worker Hearings

Commissioner Lara proposed that the Commission convene a public hearing in Lawrence, Michigan on Sunday, July 16, 2023, 4:00 – 7:00 P.M. to hear testimony on the working and living conditions and the treatment of Migrant Seasonal Farm Workers in Michigan. Written testimony will also be accepted from anyone with safety concerns.

MOTION: Move to Approve the date of July 16, 2023 for the public hearing on Migrant Seasonal Farm Workers. There was brief discussion. On Motion duly made (Lara) and supported (Elhasan), the date of July 16, 2023 for the public hearing on Migrant Seasonal Farm Workers was Approved. Motion carried unanimously.

NEW BUSINESS

A. Resolution Condemning the use of the Holocaust as a Divisive Measure in Michigan

Commissioner Worthams introduced and read into the record a proposed Resolution condemning the use of the Holocaust as a divisive measure in Michigan:

WHEREAS, the Holocaust was the state-sponsored systematic persecution and annihilation of European Jews by Nazi Germany and its collaborators during the years of 1933 through 1945; and

WHEREAS, this horrific and unconscionable event resulted in the murder of 6 million Jews; and

WHEREAS, during the debate on gun safety measures in Michigan, several political leaders and other public figures have deigned to compare the Holocaust as a means to criticize proponents of gun safety legislation; and

WHEREAS, such comparisons are profoundly hurtful to Jews, many of whom lost family members and friends during the Holocaust and continue to carry deep generational memories of the trauma suffered by their parents, grandparents, great-grandparents and others during the persecution of European Jews; and

WHEREAS, trivialization of the horrors of the Holocaust through offensive and inappropriate comparisons used in an attempt to win a political battle evidences the depth of the deplorable fall of our political discourse and the alarming level of insensitivity to the pain and affliction of others that has come to embarrassingly characterize our public discourse and only serves to perpetuate underlying societal discrimination, hatred and harassment; and

WHEREAS, the demarcation between right and wrong in the words and actions of our leaders must be clearly defined with adherence to civil and principled actions. Such that, in furtherance of tolerance, civil debate and intentional societal advancement, there must be an embrace of respect for opponents, fellow Michiganders, and those of diverse backgrounds. We recognize this principled approach in those that express respect for Jewish heritage, the memory and humanity of those murdered by the perpetrators of the Holocaust, and whose fidelity to ethics and a moral code of conduct outweighs any selfish agenda and crude political posturing. And we respectfully resist the intolerance of those who are replete with dishonorable actions and snide statements, a careless disregard for those who suffered intolerable cruelty at the hands of the Nazis and who dishonor those who fought valiantly against them in World War II. This mindset must be challenged so that the good people in the state of Michigan and throughout the United States can see where leaders of good conscience, tolerance and dignity stand and where leaders who deal in divisive rhetoric and the politics of polarization fail our democracy; and

NOW THEREFORE BE IT RESOLVED, by the Michigan Civil Rights Commission, that we condemn the use of divisive political rhetoric that uses inappropriate and repugnant comparisons of the Holocaust; and

BE IT FURTHER RESOLVED, that we stand with Michiganders who are committed to uniting people rather than divide them through the use of contemptable and dishonorable Holocaust comparisons as a repugnant political means of addressing serious societal issues that deserve the repose of rational and considerate discussion and debate; and

BE IT FURTHER RESOLVED that we urge all Michiganders to avoid using these harmful and abhorrent analogies to advance a political agenda at the expense of eroding the true history and trauma that occurred as a result of the Holocaust and only serves to perpetuate discrimination, hatred and religious division; and

BE IT FURTHER RESOLVED that copies of this resolution be delivered to the Zekelman Holocaust Center and the United States Holocaust Memorial Museum as a symbol of our solidarity with all Michiganders and Americans of Jewish descent.

BOARD RESOLUTION: Move to Pass the Resolution in Support of Condemning the use of the Holocaust as a divisive measure in Michigan. There was no discussion.

ROLL CALL VOTE: 7-Yes; 0- No; 0 – Abstentions

Commissioner Elhasan – Y
Commissioner Lara – Y
Commissioner Corriveau – Y
Commissioner Barker – Y

Commissioner Worthams - Y
Commissioner Londo – Y
Commissioner Roberson – Y

RESOLUTION UNANIMOUSLY PASSED.

B. Resolution in Support of Banning the practice of Conversion Therapy on Youths in Michigan

Commissioner Londo introduced and read into the record a proposed Resolution in Support of Banning the practice of Conversion Therapy on Youths in Michigan:

WHEREAS, a diverse population is the natural outgrowth and expression of human development, which enriches all aspects of society within the State of Michigan; and

WHEREAS, an individual has a fundamental right to explore and name their sexual orientation and gender identity; and

WHEREAS, ongoing efforts exist to challenge this right by subjecting LGBTQ+ individuals, especially youth, to the practice of conversion therapy which treats LGBTQ+ individuals as afflicted, and seeks to change their sexual orientation or gender identity through methods that include aversion therapy, shaming, talk therapy, hypnosis and other means; and

WHEREAS, there is a consensus of opposition among the leading medical and mental health organizations, including the American Medical Association, American Academy of Child and Adolescent Psychiatry, American Counseling Association, American Psychiatric Association, American Psychological Association, and Nation Association of Social Workers to the practice of conversion therapy on minors due to the medically and scientifically unsupported assumptions underlying this dangerous, discredited, and harmful practice; and

WHEREAS, LGBTQ+ youth who have undergone conversion therapy are more than twice as likely to attempt suicide, and more than 2.5 times as likely to report multiple suicide

attempts in the past year, compared to their LGBTQ+ peers who have not experienced conversion therapy; and

WHEREAS, twenty States and the District of Columbia have instituted bans against conversion therapy; and

WHEREAS, the Michigan Civil Rights Commission has previously acknowledged that the people of the State of Michigan have recognized the inherent value and dignity of its citizens and the need to protect the diversity of our citizenry through adoption of Article I, Section 2 and Article V, Section 29 of the Michigan Constitution, and enactment of the Elliott-Larsen Civil Right Act; and

WHEREAS, our three branches of state government have acknowledged the right of an individual to be protected from discrimination based on their gender identity and sexual orientation, in that the Michigan State Legislature has enacted an amendment to the Elliott-Larsen Civil Right Act, which supports the inherent right of citizens to name and express their sexual orientation and gender identity and prohibits discrimination and harassment based on these protected classifications; and in *Rouch World, LLC v Department of Civil Rights*, the Michigan Supreme Court affirmed the conclusions reached by the Michigan Civil Rights Commission in interpretive statement 2018-1, finding that “Discrimination on the basis of sexual orientation necessarily constitutes discrimination because of sex” and is a violation of the Elliott-Larsen Civil Rights Act; and Governor Gretchen Whitmer has issued Executive Directive 2021-3, directing the Michigan Department of Health and Human Services to “take actions necessary to prohibit the use of state and federal funds for the practice of conversion therapy on minors” and requiring all departments and autonomous agencies under executive branch supervision that “regulate, provide, procure, or pay for medical or mental health services” to “explore what further actions they can take to protect minors from the practice of conversion therapy as permitted by law”; and

WHEREAS, these emphatic expressions and declarations recognizing the dignity of LGBTQ+ people are strong statements against attempts to alter the sexual orientation or gender identity of LGBTQ+ youth by subjecting them to the unscientific and demonstrably harmful practice of conversion therapy; and

WHEREAS, the lives of LGBTQ+ Michiganders have value, and they are deserving of support and continued protection from assaults on their dignity, humanity and freedom of identity expression; and

THEREFORE, IT IS RESOLVED, that the Michigan Civil Rights Commission supports the right of LGBTQ+ youth to explore and express their gender identity and sexual orientation without the threat of conversion therapy; and

IT IS FURTHER RESOLVED, that the Michigan Civil Rights Commission supports and encourages all efforts by the Michigan Legislature and Governor of the State of Michigan to take all appropriate actions to ban the practice of conversion therapy on minors within the State of Michigan, including subjecting mental health professionals

who violate such a ban to disciplinary actions and licensing sanctions for unprofessional conduct, and educate citizens about the dangers of this therapy.

BOARD RESOLUTION: Move to Pass the Resolution in Support of Banning the practice of Conversion Therapy on Youths in Michigan. There was no discussion.

ROLL CALL VOTE: 7-Yes; 0-No; 0- Abstentions

Commissioner Elhasan – Y
Commissioner Lara – Y
Commissioner Corriveau – Y
Commissioner Barker - Y

Commissioner Worthams - Y
Commissioner Londo – Y
Commissioner Roberson – Y

RESOLUTION UNANIMOUSLY PASSED.

- C. Motion regarding Censorship of LGBTQ+ content and materials in educational institutions and related matters.

Commissioner Londo brought the following Motion:

MOTION: Move to obtain an Attorney General opinion advising the Commission on whether censorship and banning of LGBTQ+ content and materials, prohibition of pride paraphernalia such as flags and pins, and prevention of affiliate groups and safe spaces in educational institutions constitutes a violation of the Elliott-Larsen Civil Rights Act. There was discussion – Commissioner Lara requested an amendment adding whether similar actions that affect other protected classes with the ELCRA also constitutes a violation. **On Motion duly made (Londo) and supported (Worthams), the Motion was Approved.** *Motion carried unanimously.*

- D. Discussion on Virtual Comments

Commissioner Lara indicated concerns regarding provision of adequate notice and access for participation in Commission meetings. There was discussion on allowing anyone in the State of Michigan who wants to participate in Commission meetings should be able to do so either in person or virtually, and that media outlets were better able to report on actions of the Commission when able to participate virtually – which was instrumental in getting the word out on what we do; discussed the importance of increasing transparency; importance of using tax-payer dollars responsibly.

NEXT STEPS: Commissioner Lara will research methods of other local governments broadcasting their public meetings, and determine what would be most cost-effective for our Commission meetings. The Department will also look into providing a method for written public comment to be submitted and received before scheduled meetings, for those who are unable to attend the meetings. No action was taken.

PUBLIC COMMENT

There was one in-person Public Comment, and another read into the record.

Sonia Simpson-Gardner of Southfield, Michigan brought concerns regarding obtaining access to information in Oakland County about the Michigan Civil Rights Commission and its meetings, requesting that public meeting notifications be made available to Oakland County Residents in common public areas.

Commissioner Londo read into the record written Public Comment from:

Jay Kaplan of Detroit, Michigan

Good morning, my name is Jay Kaplan and I am the staff attorney for the ACLU of Michigan's LGBTQ+ Project. The ACLU of Michigan supports the Michigan Civil Rights Commission's proposed resolution regarding conversion therapy. There is no controversy on whether or not conversion therapy works- it does not. You can't change a person's sexual orientation or gender identity.

It takes a great amount of courage to recognize that you are LGBTQ+ and embark upon the personal journey of self-discovery and affirmation. Some people immediately recognize the changes they need to make in order to live as their most authentic selves. For others, it can take a lifetime. The violence of homophobia and transphobia can prevent people from ever feeling safe enough to pursue their authentic selves with dignity. Conversion therapy - a process that seeks to alter someone's sexual orientation or gender identity using psychotherapy methods - is a practice that rips away that dignity. It is a plague upon many communities because of the way that it destabilizes our ability to live healthy, happy lives in accordance to how we identify.

While conversion therapy may seem benign on the surface, in reality it is a coercive type of psychotherapy that attempts to condition away sexuality or transgender identity as though it is an illness, as though curable by wishful thinking or punishment.

Conversion therapy is widely discredited as a counterproductive and cruel practice that subjects people to emotional physical and psychological harm, that can have lasting consequences. Organizations like the American Psychiatric Association and the American Psychological Association have condemned the practice as both traumatic and ineffective.

The American Psychological Association has opposed conversion therapy since 1998. The Association issued a 2009 statement declaring that its only effects are "depression, guilt, helplessness, hopelessness, shame, social withdrawal, and a distinct rise in suicidality." 41% of trans people have attempted suicide, and for the 200,000 transgender people that have been exposed to conversion therapy in the United States, that likelihood [doubles](#). Children exposed to conversion therapy under age 10 are [four times](#) as likely to attempt suicide.

The ACLU of Michigan believes that best way to stop this both damaging and tortuous practice is through the medical and psychological communities which license their members and have the ability to professionally sanction doctors, therapists and counselors who engage in these harmful practices that seek to undermine the well-being and dignity of LGBTQ+ people.

Currently 20 states plus D.C. have laws which ban the practice of conversion therapy. At a time when Michigan is seen as a welcoming and supportive state for LGBTQ+ to live, with civil rights protections and policies that recognize the dignity and equality of LGBTQ+ people it is the next logical step to ensure that members of this community, particularly LGBTQ+ youth are free from this cruel and dangerous practice, masquerading as a legitimate treatment.

ADJOURNMENT

Chair Roberson brought the following Motion:

MOTION: Move to Adjourn. There was no discussion. **On Motion duly made (Worthams) and supported (Lara), the meeting of the Michigan Civil Rights Commission Adjourned at 12:05 P.M. Motion carried unanimously.**

The next meeting of the Michigan Civil Rights Commission is scheduled for Monday, July 24, 2023 in Marquette, and will convene at a time and location to be determined.

MINUTES WILL BE SUBMITTED FOR APPROVAL AT THE JULY 24, 2023 MEETING.